

Message Text

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ACTION L-03

INFO OCT-01 EA-11 ADP-00 PM-07 RSR-01 RSC-01 /024 W

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R 100153Z AUG 73

FM AMEMBASSY MANILA

TO 405 CSG CLARK AB

INFO SECSTATE WASHDC 7210

CSAF (JACI)

CINCPAC

CINCPACAF

CINCPACREPPHIL

13AF

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E.O. 11652: NA

TAGS: MARR, RP

SUBJECT: FCJ CASE: T/SGT: CHARLES AGEE

REF: A. MANILA 5337

B. MANILA 5514

C. 405 CSG (DTG 190840Z JUL 73)

\$. STATE 7798

1. AS STATED IN REFTELS SUBJECT CASE APPEARED TO BE ON PROPER TRACK UNTIL FISCAL TORRES REFUSED TO PROCEED WITH REINVESTIGATION. THEREFORE, ON REQUEST FROM CLARK LEGAL OFFICE. EMBASSY OFFICER AGAIN MENTIONED DIFFICULTY EXPERIENCED WITH DISPOSING OF CASE TO ACTING SECRETARY OF JUSTICE MACARAIG. MACARAIG THEN ORDERED ANGELES CITY FISCAL TORRES TO MANILA TO ATTEND MEETING AT JUSTICE DEPT ON AUGUST 8 AND REQUESTED EMBASSY LEGAL OFFICER BE PRESENT.

2. ATTENDING MEETING WERE MACARAIG, CHIEF PROSECUTOR NOCON, FISCAL TORRES, AND EMB LEGAL OFFICER. PHIL OFFICIALS INDICATED PROBLEM WAS THAT IF FISCAL DISMISSED CASE WHILE ACTION PENDING IN SUPREME COURT, HE COULD BE HELD IN CONTEMPT OF COURT. THEREFORE, THEY REQUESTED ACTION IN SUPREME COURT BE WITHDRAWN BEFORE
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OTHER ACTION TAKEN. PHILS RECOGNIZED DIFFICULTY OF GETTING

PRIVATE ATTORNEY FOR AGEE TO AGREE, BUT STATED HE AND USG SHOULD RELY ON THEIR WORD THAT CASE WOULD BE DISPOSED OF IF SUCH ACTION TAKEN AND FOLLOWING EVIDENCE PRESENTED TO FISCAL:

A. AGEE MEMBER OF USAF.

B. 45-CAL PISTOL WAS REGISTERED WITH USAF.

C. AGEE HAD PERMISSION TO WITHDRAW WEAPON FROM ARMORY TO HAVE IT ENGRAVED.

D. AGEE IS GENUINE GUN COLLECTOR. (THIS IS TO INDICATE WHY AGEE HAD IN HIS POSSESSION AN INOPERATIVE THOMPSON SUB-MACHINE AND OTHER WEAPONS. SUGGESTED THAT A SWORN STATEMENT BY A FRIEND COULD COLLABORATE AGEE'S ASSERTIONS).

E. POSSESSION OF WEAPONS WAS NOT FOR PURPOSE OF COMMITTING CRIMINAL OFFENSE. (STATEMENT OF AGEE'S EXCELLENT MILITARY RECORD ALONG WITH ANGELES CITY POLICE CERTIFICATE THAT NO OTHER OFFENSE HAD BEEN COMMITTED WOULD SUFFICE.)

F. AGEE INQUIRED ABOUT OR ATTEMPTED TO REGISTER 22-CAL PISTOL WITH LOCAL PHIL AUTHORITIES. (FISCAL INDICATED AGEE'S ATTORNEY HAD SUCH EVIDENCE.)

G. AMMUNITION SEIZED COULD BE RELOADED FOR HUNTING PURPOSES AND WOULD FIT ONE OF AGEE'S OTHER WEAPONS, AND THAT IT HAD NOT BEEN ILLEGALLY ACQUIRED.

E. IT WOULD APPEAR THAT CONDITIONS POSED BY PHILS ARE NOT UNREASONABLE AND CAN BE MET BY AGEE'S ATTORNEY WITH USAF ASSISTANCE. WHILE UNDERSTANDING RELUCTANCE OF AGEE'S ATTORNEY TO PREMATURELY WITHDRAW SUPREME COURT CASE, EMBASSY BELIEVES THAT WITH THE ASSURANCE RECEIVED BY ACTING SEC OF JUSTICE AND CHIEF PROSECUTOR NO RISK WOULD BE ENCOUNTERED BY SUCH WITHDRAWAL PRIOR TO RESOLUTION OF CASE BY FISCAL. EMBASSY STRONGLY RECOMMENDS PROCEEDING AS SUGGESTED BY PHIL JUSTICE OFFICIALS.
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